

REMARKS

Reconsideration is hereby requested, as is a three-month extension of time, within which to respond to the Official Action. The Small Entity extension of time fee for three months in the amount of \$460.00 is enclosed herewith. This is an initial, non-final action. All claims of record have been rejected as unpatentable over 35 U.S.C. 103(a) over Smith in view of either Orefice or McCarthy.

Applicant does not dispute that Smith, while not relating to a laundry basket or hamper, does relate to an analogous art with respect to the one problem which Applicant's invention addresses. The issue, therefore, is that of the combination of Smith with either of the cited secondary references, namely, Orefice or McCarthy.

The Applicant's invention is not simply one of a hamper or laundry basket in which different types of laundry may be separated at the point of deposit into separate partitions of the hamper. Rather, Applicant's hamper additionally provides for the selectable creation of one or more separate compartments through the slidable receipt of vertical partitions 28 into the basket. Also, Applicant has (see Page 6, ¶12 of the Specification) discovered that a ratio of void space of the apertures 14 to the area of each lateral surface 12 thereof must be at least one-third of the area of each of said lateral

surfaces to ensure adequate aeration of the laundry within the hamper. However, for purposes of structural integrity, this ratio must not exceed two-thirds. Accordingly, as is also noted in the last sentence of Page 3 of the specification, sub-part (b) of original Claim 1, and in original Claim 2, the Applicant's discovery is not simply that a laundry basket may be formed having selectable partitions therein but, as well, that there exists a specific range of area of the void space of the apertures of each sidewall to the total area of each sidewall that can provide an optimum balance between aeration of the laundry therein and structural integrity of the sidewalls themselves.

Applicant has amended Line 1 of ¶2 of Page 6 of the Specification to change the phrase "two-thirds" to --one-third--, this to correct a typographical error, and to render the description of the invention of Page 6 consistent with that of Page 3 and of the original claims.

Further, Applicant has amended the claims to integrate the limitations of original Claims 1 and 2 in the form of new independent Claim 4.

Applicant has also attached herewith a declaration under 37 C.F.R. 1.132 to demonstrate that the selection of the above ratio of area of the void space of the apertures 14 to total sidewall area of the invention was not a matter of obvious design choice, particularly inasmuch as none of the references teach or suggest such a range or even address such a problem.

That is, each of the secondary references teach the use of small apertures, certainly comprising far less than one-third of the total area of the surface upon which they are provided, the apparent purpose of which is to permit the escape of gas that might otherwise emanate from a trash receptacle.

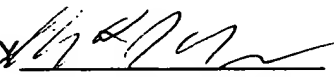
Even in the absence of the within declaration of Applicant, it is apparent that if the small holes shown in the trash receptacles of Orefice or McCarthy were larger, the underlying purpose of a trash receptacle, namely, that of isolating the trash or garbage from its immediate environment would be defeated. Accordingly, neither Orefice nor McCarthy teach apertures of a size that is sufficient to cause "aeration" of the garbage, because that is not an intended purpose thereof. Further, neither of the secondary references encompass any calculation of a maximum size of the apertures therein relative to the total area of the surface upon which they are provided because such holes are too small to give rise to concern regarding structural integrity. Therefore, the combinations of Smith and Orefice, and Smith and McCarthy, do not address one of the primary problems addressed and solved by Applicant's invention, namely, that of determining a maximum area of a sidewall that could be occupied by apertures therein without detriment to the structural integrity of the entire structure. As such, neither combination of references addresses or suggests a solution to one of the central problems which Applicant's invention has solved. In view thereof, Applicant's invention would not have been obvious to one of ordinary skill in the art.



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For the above reasons, the early allowance of this application is indicated, and the same is sincerely solicited.

Respectfully submitted  
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Enclosures:

1. Check in the amount of \$460.00 for three-month extension of time.
2. Declaration under 37 CFR 1.132.
3. New claims.
4. Original claims.
5. Marked-up Page 6.

## DETAILED DESCRIPTION OF THE INVENTION

With respect to the perspective view of Fig. 1, the present inventive hamper/laundry basket may be seen to comprise a substantially solid rectangular structure formed of a preferably resilient material such as plastic polymer. Lateral surfaces 12 of the basket are provided with a multiplicity of apertures 14 which may assume any one of a number of geometries. In the view of Fig. 1, apertures 14 have been provided in the shape of hexagons. Any such aesthetically pleasing geometry may be employed for apertures 14.

It has been determined that the structural integrity of lateral surfaces 12 require that the void space of said apertures 14 comprise more than <sup>one</sup>~~two-thirds~~ of the area of said surfaces 12. Further, to ensure adequate aeration of the laundry within the hamper, the void space of the apertures must comprise at least one-third of the area of each lateral surface. Thereby, the void space must fall in a range of one to two-thirds of the area of each lateral surface.

Basket 10 includes a mouth 16 which having a peripheral lip 18 which is characterized by a generally male geometry. Mouth 16 is also characterized by handles 20 which are provided at opposite sides 22 of the basket 10. See also Fig. 2. Provided internally to front and back walls 24 of the structure are vertical channels 26 which are proportioned for slip-fittable receipt of vertical partition panels 28, the function of which is to provide for selectable separation

THE CLAIMS

Having thus described my invention, what I claim as new, useful and non-obvious and, accordingly, secure by Letters Patent of the United States is:

1. An integrated hamper/laundry basket comprising:  
a substantially solid rectangular structure having therein:
  - (a) means for the selectable slidable receipt of one or more vertical partitions to thereby separate the hamper/laundry basket into a plurality of compartments into which respectively different types of laundry may be separated at the point of deposit of such articles into the hamper/laundry basket; and
  - (b) void space within each lateral wall of said structure that does not exceed two-thirds of the area of each wall.
2. The hamper/laundry basket as recited in Claim 1 in which said vertical lateral walls thereof include a multiplicity of apertures, having an aesthetically pleasing geometry and of sufficient size, to assist in the aeration of clothing within the hamper/laundry basket, said apertures thereby defining void space of at least one-third of the area of each of said lateral walls.

3. The hamper/laundry basket as recited in Claim 2, further comprising a selectably attachable cover thereof press-fittably securable to a circumferential upper mouth of the basket. ]